

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

Case No. 5469
 Date Filed 1/5/2005
 Hearing _____ Date _____
 Receipt \$400.00

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	
<input checked="" type="checkbox"/> Special Exception	CASE 5469 MAP 56 TYPE Special Exception
<input type="checkbox"/> Use Variance	ELECTION DISTRICT 03 LOCATION 1703 Patterson Mill Rd., Bel Air
<input type="checkbox"/> Change/Extension of Non-Conforming Use	BY William and Linda Milway, 2 Patterson Mill Rd., Bel Air
<input type="checkbox"/> Minor Area Variance	Appealed because a special exception pursuant Sec. 267-53F (7) of the Harford
<input type="checkbox"/> Area Variance	Code to permit an assisted living facility in the R1 district requires approval by the
<input type="checkbox"/> Variance from Requirements of the Code	Board.
<input type="checkbox"/> Zoning Map/Drafting Correction	

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name William B. Milway; Linda Neal Milway Phone Number call attorney

Address 2 Patterson Mill Road Bel Air MD 21015-6241
Street Number Street City State Zip Code

Co-Applicant Shelter Development, LLC Phone Number call attorney

Address 218 North Charles Street, Suite 220 Baltimore, MD 21201
Street Number Street City State Zip Code

Contract Purchaser Shelter Development, LLC Phone Number call attorney

Address 218 North Charles Street, Suite 220 Baltimore, MD 21201
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 S. Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property Lot 1 6.22 AC 1703 Patterson Mill Road
Lot 1 1.478 AC 2 Patterson Mill Road

Subdivision _____ Lot Number 1

Acreage/Lot Size 7.70 Election District 3 Zoning R-1

Tax Map No. 56 Grid No. 1D Parcel 298,377 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: Dwelling, Detached Garage, Residential use.

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) miles of any incorporated town limits? Yes _____ No X

Request

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

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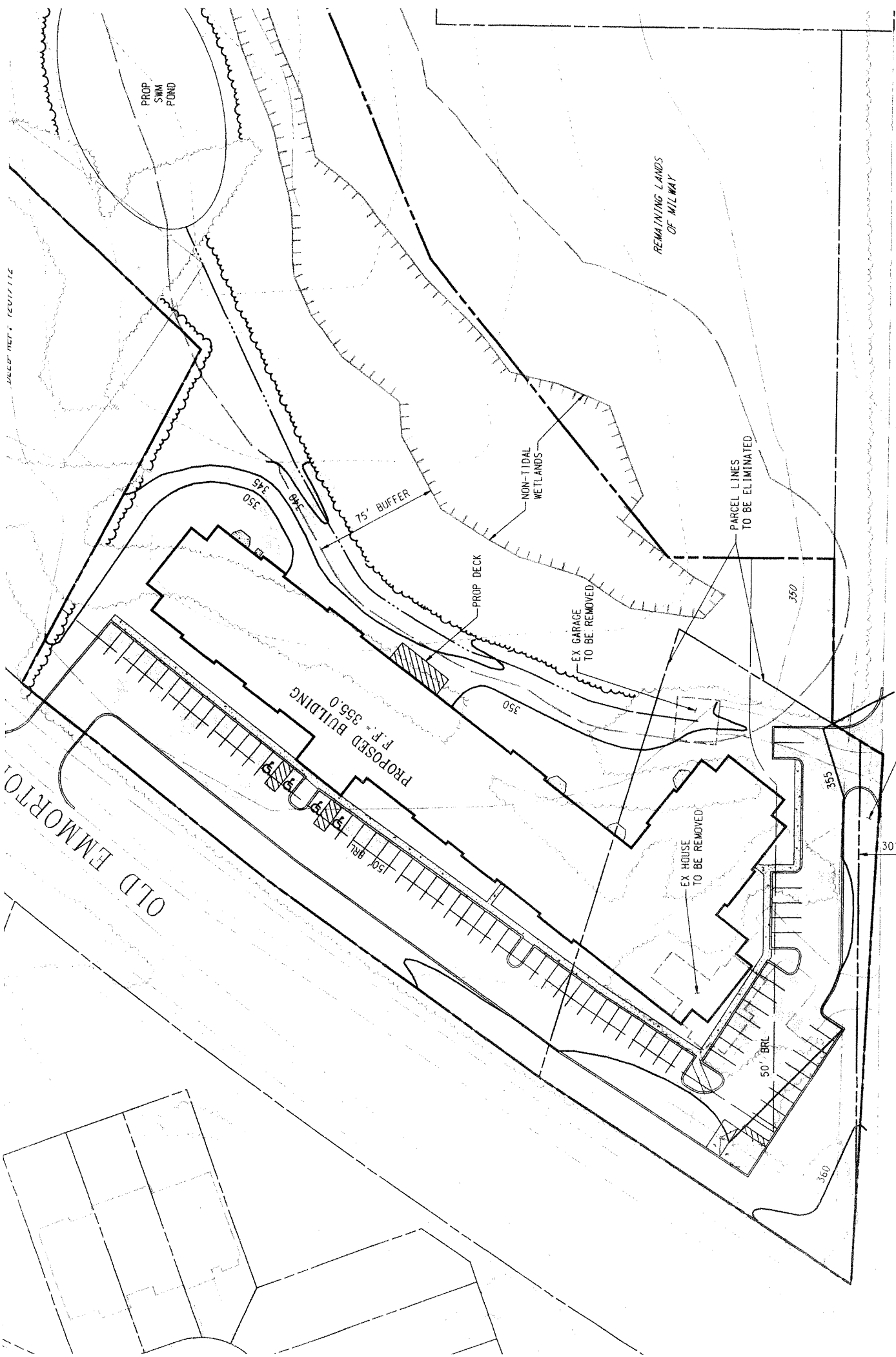
ATTACHMENT TO THE APPLICATION OF WILLIAM B. MILWAY, LINDA NEAL
MILWAY AND SHELTER DEVELOPMENT, LLC

REQUEST:

Special Exception approval pursuant to section 267-53 (F)(7) of the Harford County Zoning Code ("Code") to conduct an assisted living facility on the subject property zoned R-1, Urban Residential, as shown on the attached site plan.

JUSTIFICATION:

The proposed use is compatible with uses permitted as of right in the R-1 zone and will not cause adverse impact. There is a need in the community for facilities of this type.



PATTERSON MILL ROAD

PROP R/W DEDICATION

JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

March 10, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5469

APPLICANT/OWNER: William B. Milway; Linda Neal Milway
2 Patterson Mill Road, Bel Air, Maryland 21015-6241

Co-APPLICANT/OWNER: Shelter Development, LLC
218 North Charles Street, Suite 220, Baltimore, Maryland 21201

CONTRACT PURCHASER: Shelter Development, LLC
218 North Charles Street, Suite 220, Baltimore, Maryland 21201

REPRESENTATIVE: John J. Gessner
11 South Main Street, Bel Air, Maryland 21014

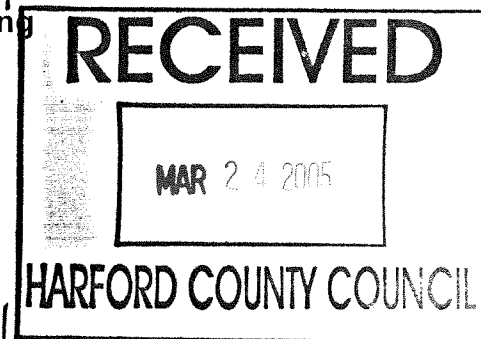
LOCATION: 2 Patterson Mill Road
Tax Map: 56 / Grid: 1D / Parcel: 298, 377
Election District: Third (3)

ACREAGE: Total acreage – 7.70 acres
Project area – 5.70 acres
Remaining lands – 2 acres

ZONING: R1/Urban Residential District

DATE FILED: January 5, 2005

HEARING DATE: March 30, 2005



Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 (410) 638-3103
410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us
This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5469

William & Linda Milway, Shelter Development LLC

Page 2 of 6

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHEMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53F(7) of the Harford County Code to permit an Assisted Living Facility in the R1/Urban Residential District.

Section 267-53F(7) of the Harford County Code reads:

- (7) *Nursing homes and assisted living facilities. These uses may be granted in the AG, RR, R, R1, R2, VR, VB, and B1 Districts, provided that:*
- (a) *A minimum parcel area of five acres is established and a maximum building coverage of 40% of the parcel is provided.*
 - (b) *The setbacks of the district for institutional uses shall be met.*
 - (c) *The density shall not exceed 20 beds per acre of the parcel.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located approximately 2-miles south of the Town of Bel Air, on the northeast side of the intersection at Emmorton Road (MD Route 924) and Patterson Mill Road. A location map and the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

This area of the County is located within the Development Envelope. The predominant land use designations in the area are Low, Medium and High Intensities. To the north of the subject property is the Town of Bel Air. To the south is the Community Center of Emmorton. The Natural Features Map reflects Stream Systems. The subject property is designated as Low Intensity, which is defined by the Master Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

STAFF REPORT

Board of Appeals Case Number 5469

William & Linda Milway, Shelter Development LLC

Page 3 of 6

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Residential housing includes single-family dwellings, townhouses, garden apartments, and an assisted living facility. Commercial uses include retail and fast food establishments, service uses, convenience stores and a shopping center. Institutional uses include schools, churches a future middle/high school site and public recreational facilities. The topography of the area ranges from gently rolling to steep especially near the stream valleys. A topographic map and a copy of the aerial photograph are enclosed with the report (Attachments 7 and 8).

Together, the two parcels (Parcel 298 and 377) create one unusually shaped property that is approximately 7.70 acres in size with road frontage on Patterson Mill Road and Emmorton Road (MD Route 924). This proposal utilizes 5.70 acres with 2 acres to be recorded as a separate lot. The topography of the site is gently sloping. The property for the most part is densely wooded with non-tidal wetlands encompassing the center portion of the site. Located near the intersection of Patterson Mill Road and Route 924 is an existing single family dwelling with a detached garage that will be removed to locate the new structure. Enclosed with the report are site photographs of the property frontage along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential Districts with areas of RO/Residential Office. Commercial zoning includes B1/Neighborhood Business, B2/Community Business, B3/General Business and CI/Commercial Industrial Districts. The subject property is zoned R1/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 11).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53F(7) of the Harford County Code to permit an Assisted Living Facility in the R1/Urban Residential District.

Section 267-53F(7):

- (7) *Nursing homes and assisted living facilities. These uses may be granted in the AG, RR, R, R1, R2, VR, VB, and B1 Districts, provided that:*

The subject property is zoned R1/Urban Residential District.

- (a) *A minimum parcel area of five acres is established and a maximum building coverage of 40% of the parcel is provided.*

STAFF REPORT

Board of Appeals Case Number 5469

William & Linda Milway, Shelter Development LLC

Page 4 of 6

The subject property consists of 5.70-acres. According to the site plan the building coverage is 33,600 square feet, which is approximately 13.5-percent of the parcel.

(b) *The setbacks of the district for institutional uses shall be met.*

The building setbacks are 50-foot front yard setback, 40-foot side yard and 80-foot rear yard. The Applicants' site plan shows a small portion of the building on the Patterson Mill Road side located within the 50-foot minimum building setback. As front yard averaging is permitted, the structure is in conformance.

(c) *The density shall not exceed 20 beds per acre of the parcel.*

The Applicants' are proposing a 114-bed facility which meets the density requirements.

Section 267-9I:

(1) *The number of persons living or working in the immediate area.*

This property is located within the County's development envelope. This area of the County contains numerous residential and commercial developments. The need exists for the type of facility proposed.

(2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

An initial Traffic Impact Analysis was submitted and it has been determined that the proposal at this location will create no adverse effects on traffic.

(3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed use is consistent with the development in this area. There should be no adverse fiscal impact on the County.

(4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should have no adverse impact on the surrounding community based on the issues listed in this subsection.

STAFF REPORT

Board of Appeals Case Number 5469

William & Linda Milway, Shelter Development LLC

Page 5 of 6

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The County Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air and Abingdon Volunteer Fire Companies will provide fire protection. The property will be served by public water and sewer facilities. A company of the Applicants' choice will handle garbage and trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is permitted in the R1/Urban Residential District as a Special Exception. The proposed project meets the criteria established by the Code. Additional conditions can be imposed for the development of the site to assure compatibility with the neighborhood.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The area to the north is zoned and developed residentially and institutionally. There are residential developments, school sites, activity fields and churches. The land uses to the south include public ball fields, a future school site, assisted living facility, retail and service uses. The proposal before the board is compatible with existing and proposed land uses.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed use is compatible with the existing zoning, Code requirements, and the growth of the neighborhood. It is a use that serves a need in the County. Therefore, the proposal is compatible with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

According to the site plan (Attachment 4) there are non-tidal wetlands to the rear of the property; however, the proposal should not have an adverse impact on these areas. This will be reviewed in detail during site plan review.

- (10) *The preservation of cultural and historic landmarks.*

This subsection is not applicable to the request.

STAFF REPORT

Board of Appeals Case Number 5469

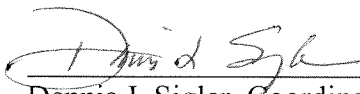
William & Linda Milway, Shelter Development LLC

Page 6 of 6

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved, subject to the following conditions:

1. The Applicants shall submit a detailed site plan to be reviewed by the Development Advisory Committee (DAC). The plans submitted to the Department of Planning and Zoning shall be in general compliance with the plan submitted to the Board. However, the Department of Planning and Zoning may approve minor changes to the building configuration and parking layout. Landscaping and lighting plans shall also be submitted for review and approval by the Department of Planning and Zoning.
2. A final Traffic Impact Analysis shall be submitted at the time of site plan submittal.
3. The Applicants shall submit an architectural rendering of the proposed building to the Department of Planning and Zoning for review and approval.
4. The Applicants shall obtain all necessary permits and approval for the development and construction of the facility.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM